

REMARKS/ARGUMENTS

Specification Objection

The Examiner has objected to the abstract of the disclosure because line 10 includes "means" under § 608.01(b) of the MPEP. This abstract has been amended.

102(b) Rejection

The Examiner has rejected Claims 1 and 7-8 under 35 U.S.C. § 102(b) as being anticipated by Niemiec, U.S. Pat. No. 5,199,718 ("Niemiec Patent"). Although the Applicant respectfully disagrees with the Examiner's interpretation of the Niemiec Patent for the reasons that will be stated below, Applicant has amended the Claims 1 and 7-8 per the Examiner's suggestion by including the term "directly" with the term "cooperating" in the interest of expediting prosecution.

The Applicant respectfully wishes to make a correction to the Examiner's interpretation of the Niemiec Patent. In the Examiner's rejection of Claims 1 and 7-8, the Examiner stated that the Niemiec Patent discloses a high pressure shaft seal and a low pressure shaft seal by the recitation in the specification of the Niemiec Patent in lines 11-33 of Col. 3 of sub-atmospheric and supra-atmospheric pressure. However, the recitation of sub-atmospheric and supra-atmospheric pressure in the Niemiec Patent does not suggest a low-pressure or high-pressure shaft seal, as stated by the Examiner. Rather, the recitation of sub-atmospheric and supra-atmospheric pressure suggests the necessary orientation of the seals 52, 54 in the seal construction 64, 66. For example, in lines 24-27, Niemiec states that FIG. 4 would be suitable for applications in which opposing axial sides of the seal are at sub-atmospheric pressure. In FIG. 4, sub-atmospheric pressure on the left side of the seal construction 64 would result in the seal lip (the "V-shaped" section of the seal as shown in FIG. 4) of V-shaped ring 52 being brought into contact with the shaft 14. If, however, supra-atmospheric pressure was acting on opposite axial sides of the seal construction 64 in FIG. 4, the supra-atmospheric pressure would result in the seal lip lifting off of the shaft 14 resulting in external leakage. FIG. 5, on the other hand, shows the orientation of the seal construction 66 which would be necessary if supra-atmospheric pressure acted on the left side of the seal construction 66 and sub-atmospheric pressure acted on the right side of the seal construction 66. In FIG. 5, unlike in FIG. 4, supra-atmospheric

pressure acting on the V-shaped ring 52 would result the seal lip being brought into contact with the shaft 14. Therefore, the Applicant respectfully suggests that the Niemiec Patent does not anticipate the use of a high pressure shaft seal and a low pressure shaft seal. Rather, the Niemiec Patent only provides orientations of a shaft seal for applications in which sub- and supra-atmospheric pressures are present.

103(a) Rejection

The Examiner has rejected Claims 1 and 4-8 under 35 U.S.C. § 103(a) as being unpatentable over Zumbusch, U.S. Patent No. 4,491,332 ("Zumbusch Patent"), in view of the Niemiec Patent. As stated above, Applicant respectfully disagrees with the Examiner's interpretation of the Niemiec Patent, but Applicant has amended Claims 1 and 7-8 per the Examiner's suggestion by including the term "directly" with the term "cooperating" in the interest of expediting prosecution.

For the reasons stated above, the Applicant respectfully disagrees that the Niemiec Patent discloses the use of a high pressure shaft seal and a low pressure shaft seal. Nor does the Niemiec Patent or the Zumbusch Patent provide any suggestion or motivation to combine these references.

In summary, Applicant has amended Claims 1 and 7-8 per the Examiner's suggestion and respectfully requests further consideration, as Applicant now believes the case to be in condition for allowance.

Respectfully submitted,



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